

C. Remarks.

If this reservoir should be enlarged to the extent the filing permits, it would exhaust the balance of the flow of North Fork in most years. The plans for the dam have not been filed with the State Engineer as yet, so the final plans of claimants is not officially announced. However, it is known that the natural capacity of the reservoir site is much less than the filing indicates.

All subsequent priorities are described with the assumption that this one may need to make no claim on the flow of the irrigation season.

D. References.

Water Users Claims, Temp. No. 47, et alia, and records of State Engineer.

E. Fields.

Wherever needed, more particularly described in Claim Temp. No. 47. None irrigated yet.

F. Canals.

To be fed by Carlisle Ditch, and released into various canals.

Priority 8. APPLICATION NO. 4129.

A. Description.

This is a filing made July 26, 1911 by "Town of Monticello" for 2 sec. ft. of water from a Spring in Pole Canyon, a tributary of North Fork, to be piped to Monticello for domestic and municipal purposes. Construction must be completed by June 30th, 1917.

B. Opinion.

Of course this application is secondary to those senior to it in time, and application is subject to the special statutes relating to waters owned by municipalities. An appropriation of water from a tributary of North Fork, that flows into North Fork, is subject to North Fork priorities, just the same as an appropriation on North Fork itself.

C. Remarks.

It is understood that this spring flows less than 0.5 sec. ft. during the high water season, and to 0.2 sec. ft. at low water.

D. References.

Water Users Claim, Temp. No. 228, et alia; Application No. 4129 in files of State Engineer.

E. Fields.

At present (Sheley survey of 1914) Monticello is laid out into 19 blocks comprising 77.5 acres, and called herein "Field No. 200", and 46.5 acres of streets opened to the public. There are about 500 people in the community.

F. Canals.

To be a pipe line.

Priority 9. APPLICATION NO. 4312.

A. Description.

This right was instituted October 16, 1911, by filing with the State Engineer, by Alpha B. Barton, of record and is to be completed on October 30th, 1917. The place of diversion is below the junction of North and South forks. There is a priority number for South Fork also. Application is for 6 sec. ft. to irrigate 440 acres.

B. Opinion.

This application is subject to the rules of the State Engineer's Office, and is a claim upon the combined flow of both forks. Any subsequent appropriation below the confluence of these forks is junior to this right.

Any later application on one of the forks alone is junior in right to this application, and cannot divert water to its detriment. In preventing the diversion of water, that would leave an insufficient supply for claimant, the last priority in time on forks shall be the first to suffer.

In other words, North and South Fork are combined into one stream, in effect, for junior appropriations to this, in order to safe-guard it.

A duty is suggested to each second foot of 120 acres from May 16th to 31st, incl.; of 60 acres June 1st to August 31st.

Claimant will be entitled to only such proportion of the water as he has reclaimed land, from year to year, until proof of completion be made.

C. Remarks.

In estimating the surplus of water available for junior rights it is deemed that the suggestion will be accepted ^{in ink} (by the State &) one half the land only will finally be reclaimed, and each creek will supply half the water.

The interlacing of later rights on South and North Forks is described under South Fork Rights.

The ditch ("Christensen" ditch)" was not constructed to its entire proposed length in 1914 at the time of the Sheley survey. It is considered that ti is not beneficial use to irrigate while snow is on the ground, which usually is December 1st to the 1st of April, anyway, if not longer. This right is provisional depending upon performance and the kind of approval granted by the State Engineer.

D. References.

Water Users Claim Temp. No. 41, No. 202, et alia. Application No. 4312 in the files of the State Engineer.

E. Fields.

In 1914, Field No. 201, of 14.2 acres, was irrigated under this right. The legal subdivisions proposed to be irrigated are described in Claim, Temp. No. 202.

F. Canals.

Christensen Ditch, heading in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 36, T. 33 S., R. 23 E.

Priority 10. CARLISLE 1912 RIGHT.

WOOD, 1912 RIGHT.

Both of equal priority May or early June, 1912.

Carlisle, 1912, Right.

A. Description.

This right is caused by the resumption of activity of the Carlisle Ranch; and is discussed under "Priority 17 Carlisle 1912 Right" on Spring Creek, as is a right to irrigate from both North Fork and Spring Creek;

B. Opinion.

The fields have a right to water from either creek, taking it in equal quantities from each, whenever possible, but making up any deficiency in either by further appropriation from the other. Allowance for unusual seepage losses has already been made for Carlisle Ditch. Measurement of North Fork water shall be at the place of division between Carlisle Ranch and Blue Mtn. Irrigation Co.

The area belonging to Carlisle Ranch under this right is 98.7 acres. It is entitled to 1 sec. ft. to 120 acres from May 1st to 15th; to 90 acres, from May 16th to 31st; to 60 acres thenceforth until August 31st, if available and unappropriated; or to 0.8, 1.1 and 1.6 sec. ft., respectively, total from both streams, or from either if the other has no unappropriated water.

A system of rotation in the use of water may be enforced between Wood 1912 Right and this one.

C. Remarks.

D. References.

Waters User's Claims Temp. No. 31 (A, B, &), 32 to 37, incl.; 101, 102, 103; 107 to 115, incl.; et alia. See also priorities 2, 6, 8, and specially 17, on Spring Creek; and Priority 1 on North Fork.

E. Fields.

(Acreage and kind of crop in 1914 of each field is shown on Sheley map of Spencer Area). Includes Fields No. 557 to 562, incl., 569, and 570, total area of 98.7 acres for water rights; and a

fallow Field No. 557a for which no right attaches save that of Alternative irrigation, which embraces 12.8 acres.

F. Canals.

Carlisle Ditch and ditches on Spring Creek.

Wood, 1912 Right.

A. Description.

This is the right acquired by Wood Brothers and Decker by actual construction, appropriation, and use of North Fork water on certain lands which were never covered by an application with the State Engineer, and on others that were named in Application No. 1268, but were not included in the proof of completion, but appear to have been irrigated subsequently.

B. Opinion.

(1) The priority of lands irrigated subsequently to 1910, is divided from those irrigated that year, and again divided into two later priorities by the intervention of other rights, because of lack of an intention to increase the area being made public.

There is insufficient evidence to designate which of the acreage was that irrigated in 1912, and which in 1913, so both rights are made applicable to the same area, with the provision that claimants may file statements with the General Committee of the Blue Mtn. Water Users Assoc., segregating 1912 from 1913 land as nearly as may be, within 30 days after filing of this report, or opinion, with said committee.

(2) From the area of fields which were irrigated in 1914, is to be subtracted 49.3 acres of water right for water from Application No. 1268, which appears to have been unlawfully used on them. (See Priority 4. Opinion and Remarks). The balance of 150.8 acres is divided into 110.8 acres of 1912, 40.0 acres of 1913.

(3) The same rate of flow is given as for Carlisle 1912 Right, namely, to each second foot, 1/120 acres May 1st to 15th; 90 acres

May 16-31st; 60 acres, June 1st to August 31st, amounting to 1.0, 1.3, and 1.9 sec. ft., respectively, whenever available, measured at the place of measurement Mountain Ditch.

Whenever possible, the flows of Priority 4 and 10 to lands under Wood branch ditch shall be taken at one time so that the seepage allowance of 0.5 sec. ft. for Priority 4 may aid the latter priority, 1912 and 1913. A system of rotation of the Wood rights among themselves, or with Carlisle 1912, or both, may be enforced.

C. Remarks.

The status of water rights instituted without filing with the State Engineer, as required by the Statute of 1905, is discussed more fully in General Remarks and in the opinions on Spring Creek rights. It is sufficient to say here that such rights date only from the time each parcel of land is irrigated.

The division of the 151.8 acres of land between 1912 and 1913 is done on this basis. Claimants state in Water User's Claims, Temp. No. 12, that 156 acres were irrigated, by all the so-called Wood rights, in 1910; 400 in 1912; 488, in 1913. This means that in 1912 the area was increased 244 acres, in 1913, by 88 acres, total 332 acres. Actually it was increased 151.8 acres, which are divided in the proportion claimed for 1912 and 1913, namely 111.8 and 40 acres, respectively.

It is thought that segregation of the 1912 and 1913 rights to certain fields would clear the rights of Wood Bros. and Decker, among themselves.

Fields No. 397-a, 402, 403, 404, Total 47.0 acres, were irrigated in 1914, named in Application No. 1268, but not in the final proof, and, as said elsewhere, are presumed to have been irrigated later than the 1910 season.

D. References.

Water User's Temp. Claim No. 12, 220, et alia.

E. Fields.

(Area of each field is given on Sheley maps and the Tabulation of Fields). Of 1912 Right, 111.8 acres, undivided, under Blue Mtn. Ditch No. 1: Fields No. 397-a, 402, 403, 404, (47.0 acres) and Nos. 366, 397, 401, 410, 411, 413 (75.2 acres), total 122.2 acres, were irrigated in 1914; while Fields No. 365, 398, 400, 406, and 414 were fallow, and Nos. 399 and 412 swampy, total fallow and swampy 55.4 acres, serving as alternative places of use (if swamps be drained), but contributing no water right.

Blue Mtn. Ditch No. 4: Field No. 447 of 32.0 acres irrigated in 1914, and Nos. 448 and 449, 13.9 acres fallow, constituting alternative places of use.

Blue Mtn. Ditch No. 4, by Wood branch: Fields No. 450, 452, 453, 455, totaling 45.9 acres irrigated in 1914; and Field No. 451, water-logged and alkaline in 1914.

Total irrigated in 1914, 200.1 acres; fallow or swampy 72.6 acres.

F. Canals.

Blue Mtn. Ditch No. 1 and No. 4, and Wood Branch of No. 4. All diversion from North Fork through No. 4.

Priority 11. APPLICATION NO. 4714.

A. Description.

This is a filing made June 10th, 1912, by the Department of Agriculture (U. S. Forest Service), for 1 sec. ft. of North Fork water to irrigate 80 acres of land, from April 1-July 1. The time for final proof has been extended to July 1st, 1916.

B. Opinion.

As a rule, it may be expected that the State Engineer will give whatever part of said 80 acres that is finally reclaimed, its proportion of 1 sec. foot. We submit that under the circumstances of the case, that if this claimant takes water at the rate of 120 acres to the sec. ft. from April 16th to May 15th, incl.; 60 acres to the sec. ft. from May 16th to June 30th, incl., claimant will get water more in accordance with its needs.

A system of rotation should benefit claimant and other small appropriators of about the same priority. Measurement should be made at the head of the ditch.

C. Remarks.

There is little possibility of claimant getting much water after June 15th. There is no reliable information about the flow of North Fork from April 16th, except that it can not amount to much, and if the storage projects, Application No. 3667, it may well be that it will exhaust the supply of all April to fill the reservoir. Further, the snow does not melt from the fields of Monticello until some time in April, in general, so the need of any ^{in ink} (great) quantity of water, until May, is not apparent.

D. References.

Water Users Claims, Temp. No. 51, 53, 203, et alia. and files of State Engineer for Application No. 4714.

E. Fields.

In 1914, Fields No. 346, 10.7 acres; and No. 346a, 1.0 acres, total 11.7 acres.

F. Canals.

U. S. Forest Service.

Priority 12. APPLICATION NO. 4754.

A. Description.

This is a filing made with the State Engineer, by Geo. A. Cole, and Alice H. Ewing on July 2nd, 1912. The time for final proof has been extended from March 1, 1916 to Applicant asks for 10 sec. ft., to irrigate 800 acres of land, during the entire year. The intention seems to be to use the same diversion point as Carlisle and Blue Mtn. joint ditch.

B. Opinion.

In line with the opinion expressed for Priority 12, but remembering that the needs of the Forest Service primarily are for pasturage for a large number of horses, rather than for ordinary farming,

it is suggested that the duty of water be to each second foot 150 acres from April 16th to 31st; 120 acres from May 1st to 15th; 60 acres May 16th to June 30th, for the area actually irrigated. Provided that no more than the 10 sec. ft. asked for originally be granted finally. Measurement shall be made at the place of measurement for the joint ditch of Carlisle Ranch and Blue Mtn. Irrigation Co.

C. Remarks.

In forecasting the unappropriated supply of water for rights junior to this, it is assumed that these suggestions will be followed, and only half the area reclaimed. It is doubtful whether any water will be obtained by this claim after June 15th.

D. References.

Water Users Claim Temp. No. 204, et alia. See also files of State Engineer for Application No. 4754.

E. Fields.

None irrigated in 1914, by virtue of this right, so far as known.

F. Canals.

Blue Mtn. Ditch No. 3 and Carlisle Ditch (joint)?

Priority 13. APPLICATION NO. 4855.

A. Description.

This is an application for 6 sec. ft. of water from North Fork to irrigate 560 acres of land in Spring Creek basin, by J. M. Redd, W. O. Knight, and B. Spencer. It was filed September 10th, 1912, and proof of completion of work was to have been present before June 1st, 1915, which was not done.

B. Opinion.

The fields which were irrigated as if under this application, lose their right to the priority as of date of this application, and take the date when actually put under irrigation, as described in Redd 1913 Right, or Priority 14.

C. Remarks.

This is the first illustration of the effect of allowing an application in the office of the State Engineer to lapse, namely a loss of priority. It seems questionable to the writer whether it is just and pro bono publico to allow an individual to acquire a right under the shadow of an application with the State, allow the filing to lapse, and then claim a right and priority of the date of irrigation. This may result in an injustice to a right acquired subsequently to the filing, but prior to actual irrigation, because such junior claimant could not know that senior claimant would permit his filing to lapse, and would have no reason to notice exactly when and how much acreage was cultivated. In fact senior claimant might get an extension of time for filing proof of completion, and never make such proof, but meanwhile for a period of years divert water by virtue of a false priority.

The authorities appear to be in favor of the position taken here, however.

D. References.

Water Users Claims Temp. No. 29, 46, et alia. Application No. 4855 in records of State Engineer.

E. Fields.

No. 541, 547, 555, 555a, 556. Total, 59.2 acres.

F. Canals.

Priority 14. VARIOUS 1913 RIGHTS.

Includes Redd (et al), Carlisle Ranch, Earl Dalton, and Wood, all of May, 1913, and equal in priority, although it is not certain whether some of these fields were first irrigated in 1913 or 1914. (Total allowance of this priority is 1.5 sec. ft. for seepage, and 2.84 sec. ft. for irrigation, April 16-30th; and 4.13 sec. ft. for irrigation May 1st to June 15th).

Redd et al. 1913 Right.

A. Description.

This is the right acquired through actual appropriation, through the loss of priority by the lapsing of Application No. 4855. J. M. Redd, W. O. Knight, and B. Spencer are the claimants.

B. Opinion.

(1) The flow of water for the Redd right, as for all of this priority, in order to get the proper quantity, should be at the rate or to each sec. ft: 60 acres from April 16th to 30th; 40 acres from May 1st to June 15th, incl. A system of rotation may be required of the claimants under this priority.

(2) From April 16th to 30th, incl., an additional amount of 1 sec. ft. shall be allowed to Carlisle Ditch to care for seepage loss in transit of the waters of Redd, Carlisle Ranch, and Earl Dalton. As with such allowance for Priority 1, and elsewhere, this amount is intended solely for the overcoming of the seepage losses in the main ditch. Measurement shall be at place selected on the Carlisle Ditch for measuring prior rights.

(3) The Redd et al area is 59.2 acres under this right, giving 1.0 sec. ft., April 16th to 30th, incl.; and 1.5 sec. ft. May 1st to June 15th, if available; besides the seepage allowance in April.

C. Remarks.

(1) It is uncertain that claimants under this priority will get any water in April owing to prior storage rights; in early May the creek is not high enough to give them much water; so the bulk of the supply will run from May 16th to June 5th-10th.

(2) The additional supply to provide against exceptional seepage in Carlisle Ditch is necessary before May 1st, because the seepage allowance for Priority One and junior rights does not start until that date.

(3) Field No. 555-a was overlooked in the summer, 1914, and not surveyed until January, 1915.

D. References.

Priority 13; Water Users Claim Temp. No. 29, 46, et alia.

E. Fields.

Area of each field is given in Tabulation of Fields and on Sheley map, Spencer Area, as well as the kind of crop in 1914. Includes Fields No. 541, 547, 555, 555a, 556.

F. Canals.

Carlisle Ditch, through Blue Mtn. Ditch No. 3.

Carlisle 1913 Right.

A. Description.

This is the final right of Carlisle Ranch, (undivided interests of L. H. Redd, et al) acquired by actual use of water, and is the only one using North Fork water alone. It, also, uses water diverted through Carlisle ditch.

B. Opinion.

The position taken in the discussion of Redd Right, paragraph (1) and (2), applies here.

The area of 57.6 acres gives 1.0 sec. ft. April 16th-30th, incl., and 1.4 sec. ft. May 1st to June 15th, incl. Any additional water given by virtue of Gordon Reservoir during the time of year this right yields a supply, must not exceed a reasonable supply of water.

C. Remarks.

See Redd 1913 Right Remarks, (1) and (2).

D. References.

Prior Carlisle rights on North Fork, and priorities on Spring Creek; Water Users Claims Temp. No. 31(A, B, &); 32 to 37, incl.; 101, 102, 103; 107 to 115, incl.; et alia.

E. Fields.

(Areas of each field is given in Tabulation of Fields and on Sheley map, Carlisle Area).

Includes Fields No. 572 to 576, incl; and 16.6 acres in No. 571. Total area, 57.6 acres.

F. Canals.

Carlisle Ditch, through Blue Mtn. Ditch No. 3.

Earl Dalton 1913 Right.

A. Description.

This is for land irrigated through Carlisle Ditch in 1913 and 1914, by Earl Dalton, around his homestead.

B. Opinion.

Unless proven otherwise, or so admitted by said Earl Dalton, the presumption must be that this is a real right and not a borrowed or rented one.

The same duty of water and other regulations hold with this, as with the Opinion on Redd 1910 Right, paragraphs (1) and (2).

The area entitled to water is 10.2 acres; so Dalton is entitled to 0.17 sec. ft., April 16th to 30th; 0.23 fro, May 1st to June 15th; if available.

C. Remarks.

See Redd 1913 Right Remarks, Paragraphs (1) and (2). No claim was set up by Earl Dalton in the "Hearing", but the Sheley survey of 1914 showed his use of water.

D. References.

See Remarks, above.

E. Fields.

(Area of each field is shown in the Tabulation of Fields and on the Sheley map, Spencer area). Includes Fields No. 542-545, incl.

F. Canals.

Carlisle Ditch, through Blue Mtn. Ditch No. 3.

Wood 1913 Right.

A. Description.

This is caused by land put under water by Wood Bros. and Decker in 1913, as described in Priority 10. See Description in Wood Rights of that priority.

B. Opinion.

(1) This Right complies with the provisions of Paragraph (1) of the Opinion of Redd Right, of this priority, in the matter of duty of water.

(2) During April 16th to 30th, an extra allowance of 0.5 sec. foot shall be made to the Wood branch, whenever it carriers water, or to the Blue Mtn. Ditches No. 4, or No. 1 in their turns, as an extra allowance for seepage losses. As far as possible a system of rotation shall be adopted within this right, so that water may be alternately in the Wood Branch, in the Blue Mtn. Ditch No. 1, and in Ditch No. 4 at its lower end, in turn.

(3) Diversion shall be through Blue Mtn. Ditch No. 4, and measurement shall be made at or near the regular place of measurement for prior rights on this ditch.

(4) The area of 40 acres, entitled claimants to 0.67 sec. ft. April 16th to 30th, incl.; to 1.00 sec. ft. from May 1st to June 15th, incl.

(5) Paragraphs 1, 2, and 4, of Wood Right, Priority 10, apply to this priority.

C. Remarks.

See Remarks, Paragraph 1, under Redd Right of this priority. Also see Wood Rights, Priority 10 under Remarks, and generally.

The allowance of 0.5 sec. ft. is rendered necessary before May 1st because the flow of Blue Mtn. Irr. Co. will not be present in its ditches to help wet the joint canals.

D. References.

See Priority 10, Wood Right 1912.

E. Fields.

See Priority 10, Wood Right 1912.

F. Canals.

See Priority 10, Wood Right 1912.

Priority 15. APPLICATION NO. 5473.

A. Description.

A filing with the State made by Geo. A. Cole et al. and assigned to L. H. Redd. Filed January 6th, 1914; approved, August 31, 1914; and proof to be submitted November 10th, 1916. Asks for 10 sec. ft. to irrigate 1,440 acres during the entire year.

B. Opinion.

This right must take its due course in the Office of the State Engineer. The opinion has been expressed elsewhere that winter irrigation is impossible and of unproven profit. It is our opinion that even one "irrigation" each year is beneficial in this region, if applied in the growing season, owing to the large rainfall.

C. Remarks.

It is apparent that if this application be carried out to its full extent, it would leave but little water in North Fork for rights junior to it.

It is evident that later rights for the direct or natural flow of North Fork are just as interested in determining the amount of water available for earlier storage rights, as are such rights. Field No. 645 was not surveyed in 1914, because believed to be a dry farm.

D. References.

Water User's Claims Temp. Nos. 25a, and 205 et alia. Also Appl. No. 5471 in files of the State Engineer.

E. Fields.

In 1914, there were irrigated Field No. 577 of 17.2 acres, which is shown on Sheley map of Carlisle Area, and No. 645, said to contain 80 acres, unsurveyed by Sheley.

F. Canals.

Carlisle Ditch through Blue Mtn. Ditch No. 3.

Priority 16. APPLICATION NO. 5789.

A. Description.

A filing with the State made by F. P. Jones on October 12, 1914 (corrected date) for 7 sec. ft. to irrigate 400 acres of land from April 1st - December 31st.

B. Opinion.

One "irrigation" in the growing season may enable "dry farming" to be done every year, instead of every other year.

C. Remarks.

The chances of this applicant for water are dependant upon the completeness with which other and prior applications are carried out.

D. References.

Water User Claim Temp. No. 206 for abstract; and files of State Engineer.

Priority 17. APPLICATION NO. 5979.

A. Description.

A filing with the State Engineer made by Geo. A. Cole, et al., on December 1, 1914, calling for 1000 acre ft. of water to be stored in a reservoir, after crossing Spring Creek.

B. Opinion.

One irrigation in the growing season may enable "dry-farming" to be prosecuted each year, instead of every second year, and therefore is beneficial.

This right is subject to prior rights and the rules of the Office of the State Engineer.

C. Remarks.

Paucity of stream flow records in the now-irrigation season prevents an expression of opinion whether there will be water for this right if Application No. 3667, or Priority 7, be carried out to any extent.

D. References.

Water Users Claim Temp. No. 218, et alia. and files of the State Engineer.

Priority 18. APPLICATION NO. 6263.

A. Description.

A filing with the State made by J. W. Palmer on June 3rd, 1915; and to present proof of completion by June 2nd, 1918, asking for 5 sec. ft. to irrigate 320 acres of land.

B. Opinion.

One irrigation in the growing season may constitute beneficial use.

C. Remarks.

The sufficiency of unappropriated water remaining for this application will depend upon the extent prior applications may be completed.

D. References.

Water Users Claim Temp. No. 222, et alia. See files of State Engineer.

Priority 19. APPLICATION NO. 6348.

A. Description.

A filing with the State by Mrs. Maude A. Palmer for 5 sec. ft. to irrigate 200 acres of land. Filing made July 23, 1915, and proof of completion to be made on August 1, 1918.

B. Opinion.

One irrigation in the growing season may constitute beneficial use.

C. Remarks.

The sufficiency of unappropriated water remaining for this application will depend upon the extent prior applications may be completed.

D. References.

Water Users Claim Temp. No. 223, et alia, and files of State Engineer.

Priority 20. ROSE RIGHT.

A. Description.

This priority number does not imply the same things that others do, but is given as a name to this right. This is the right for waters of North Montezuma Creek, below the junction of North Fork and South Fork, and below the headgate of the Christensen Ditch, or rather to any inflow, return seepage, or upraising of any subflow in the creek, below said ditch. Date of institution is not known

Claimant is Henry Rose.

B. Opinion.

- (1) That claimant may divert water to irrigate all of his land, save Field No. 356, whenever the Blue Mtn. Irrigation Co. is short of the amount of water deemed desirable for it.
- (2) That he may divert water to irrigate said Field No. 356, to the extent and whenever he can use it beneficially. Area 0.5 acres.
- (3) Claimant can not prevent the more complete diversion of water, whether surface or underflow, by existing appropriators, caused by better constructed dams, &c.

C. Remarks.

- (1) For the greater part of the area this right is supplementary.
- (2) For Field No. 356 it constitutes the sole right.

D. References.

Water Users Claim Temp. No. 15 et alia.

E. Fields.

Areas of fields can be found on Tabulation of Fields and Shelley map East Field Area.

- (1) Supplementary use on Fields No. 347, to 355, incl.; total area 49.3 acres.
- (2) On Field No. 356, of 0.5 acres.

F. Canals.

- (1) Supplementary use: Rose Ditch No. 1.
- (2) For Field No. 356: Rose Ditch No. 2.

SEEPAGE RIGHTS

IN NORTH FORK SECTION

I. Explanation.

The difficult question of seepage and waste waters is discussed more fully in General Remarks. Appropriations of seepage or waste waters are subject to priorities, but the appropriator has no redress if the cause of the seepage or wasteage is removed, or if the owner of the land himself appropriates the water for his own use on his own land.

II. Excludes

Water that runs off the surface of a field, whether it is avoidable or the unavoidable waste incident to irrigation, and reaches a watercourse, is held to constitute a part of the flow of said water-course, and is liable to the priorities of said stream as if a natural tributary thereof.

III. Includes

Water that would not reach a watercourse, whether a surface or subsoil flow.

IV. Appropriations in North Fork Section.

Includes the use of seepage or waste water by Christensen, Wilson, John Bailey, Johnson, Butt, and Peter Bailey. Taking them up in this order, which does not infer any priority whatsoever.

1. C. R. Christensen Seepage Rights.

A. Description.

Seeps from the hillside near to Monticello town.

B. Opinion.

Subject to the general laws for such appropriations.

C. Remarks.

It is probable that this water would not collect itself into a watercourse.

D. References.

None specifically in water users claim. Sheley map, Monticello area.

E. Fields.

No. 202, 0.1 acre; 203, 4.8 acres.

F. Canals.

Seepage Ditches No. 238 and 238-a.

2. N. E. Wilson Seepage Right

A. Description.

Collects, seep, and waste waters below lower end of Field No. 228 on hillside. No definite connection with Blue Mtn. Irr. Co. ditches.

B. Opinion.

A seepage right only, no right under Blue Mtn. Irr. Co. Subject to general laws for such appropriations.

C. Remarks.

When water leaves a field in such a manner as it does Field No. 228, as seepage or as waste, it is abandoned.

D. References.

Water Users Claim Temp. No. 11 and 56. Sheley map, Monticello area.

E. Fields.

No. 204, 0.6 acres.

F. Canals.

Seepage Ditch No. 228-a.

3. Martin Johnson Seepage Right

A. Description.

Land lies in North Fork bottom and is irrigated by ditch collecting seep and waste waters below and at lower end of Field No. 227, on hillside. No channel to Blue Mtn. laterals.

B. Opinion.

No right to water of Blue Mtn. Irr. Co., a seepage right only, and subject to general laws for such.

C. Remarks.

See Remarks under N. E. Wilson.

D. References.

Water Users Claim Temp. No. 56. Sheley map. Monticello Area.

E. Fields.

No. 205, 3.1 acres.

F. Canal.

Seepage Ditch No. 227.

4. R. R. Butt Seepage Right.

A. Description.

Land lies on the slope into East Field Slough and is watered by Seep Ditch No. 268, which collects waste or seep waters from the lower end of Field No. 268, without connection to any Blue Mtn. Irr. Co. ditch.

B. Opinion.

A seepage right only, and subject to the general laws for such.

C. Remarks.

See Remarks under N. E. Wilson.

D. References.

Water User's Claims Temp. No. 11 and 56.

E. Fields.

No. 369, 10.5 acres; No. 371, 2.3 acres.

F. Canals.

Seepage Ditch No. 268.

5. Peter Bailey Seepage Right.

A. Description.

Fields irrigated partly by Blue Mtn. Irr. Co., Ditch No. 4, and by Seepage waters. A notice of intention to divert this water was filed in 1901 with the County Recorder. The seepage ditch collects waste water in Field No. 257, without any connection, or claim to a connection, with the Blue Mtn. Irrigation Co. system.

B. Opinion.

If sufficient water is put on these field by seepage to make the use of Blue Mtn. water unnecessary, then it would not be

beneficial and therefore regarded as waste. This right is subject to the general laws applying to seepage rights.

C. Remarks.

The quantity of flow collected by this ditch is not known.

D. References.

Water Users Temp. Claims Temp. No. 13 and 21. Sheley maps, Monticello Area and East Field Area.

E. Fields.

No. 376, 29.8 acres, No. 380, 11.6 acres.

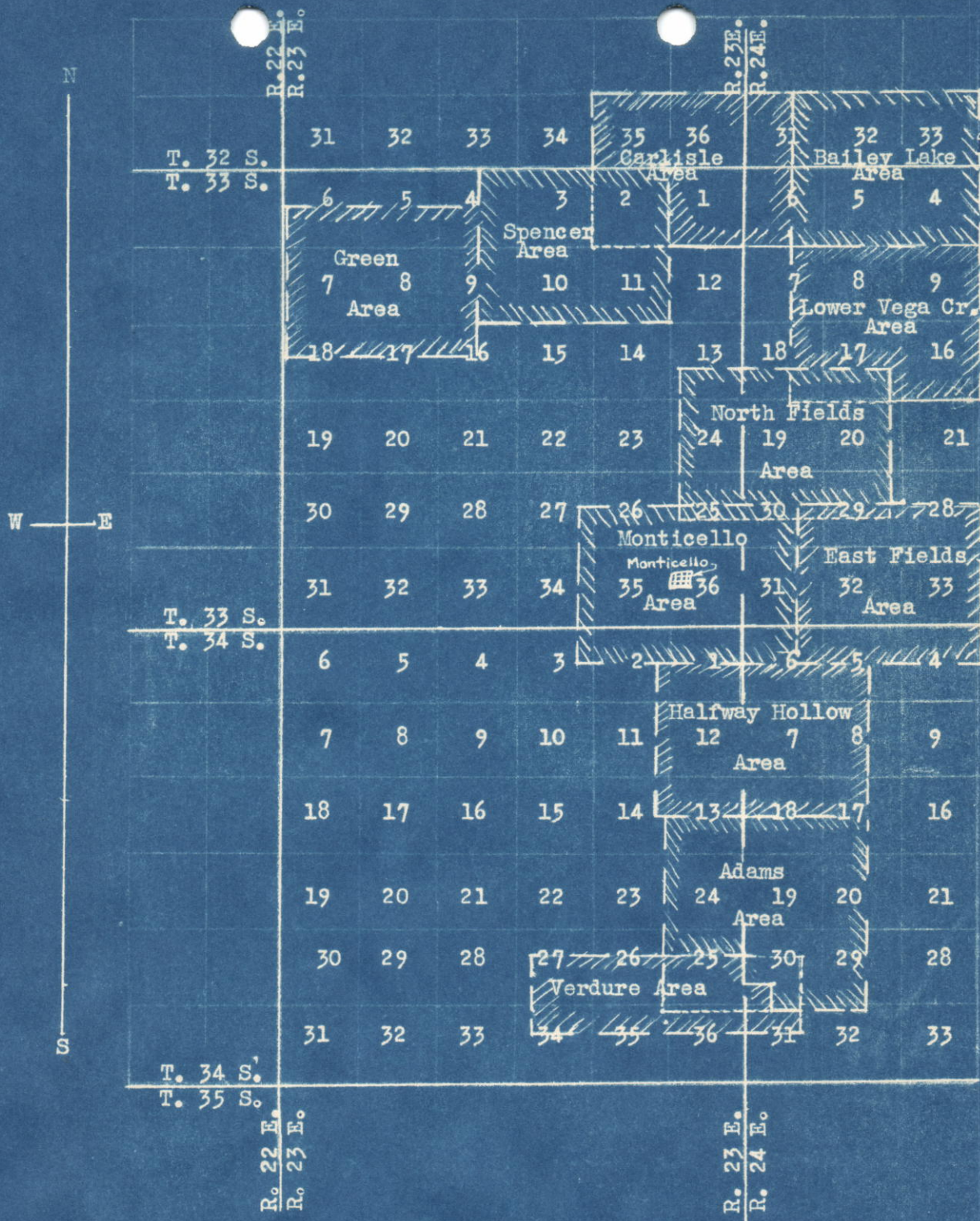
-- A C R E S --

SUMMARY OF RIGHTS TO NORTH FORK & BELOW J'CT'.
Includes only areas with water rights; does not include water-logged fields and those not irrigated in 1914, unless under Applications.

Number	NAME OF RIGHT.	NAMES of DITCHES									Total Acreage of Rights	Progressive Total
		Carlisle	Blue Mtn. No. 4	Wood Branch of B.M. No. 4	Blue Mtn. No. 1 through No. 4.	Blue Mtn. No. 1 from No. 2 + No. 1.	U.S. Forest Service	Christensen	New Location 1 mile above B.M. No. 3.	Rose No. 1.	Rose No. 2.	
1	Carlisle, 1887-1907	263.3									263 ³	263.3
"	Blue Mtn. Irr. Co. 187-'07		653.1			648.1					1,301 ²	1,564.5
2.	Carlisle 1896	(The old Gordon Reservoir)										
3	Town Pond	(Irrigation and municipal)										
	(Wood Bros.)											
4.	Appl. No. 1268		14.9	39.8	75.8						130 ⁵	1,695.0
5.	Redd - 1907	7.3									7 ³	1,702.3
6.	Wood - 1910				97.6						97 ⁶	1,799.9
	(Carlisle Ranch)	*			(Gordon							
7.	Appl. No. 3667	3,840			(Reservoir Project)						3,840	5,639.9
	(Town of Monticello)											
8	" " 4129		Municipal									
	(A. B. Barton)					Irr. 1914	14.2					
9	" " 4312						425.8	*			440	6,079.9
0	Carlisle - 1912	98.7									98 ⁷	6,178.6
"	Wood - 1912		^c 32.0	^c 45.9	^c 122.2						110 ⁸	6,289.4
	(U.S. Forest Service)											
1	Appl. No. 4714						80				80	6,369.4
	(Geo. A. Cole, et.al.)	*										
2	" " 4754	800									800	7,169.4
	(J. M. Redd et. al.)											
3	" " 4855	LAPSED									---	"
4	Redd et al - 1913	59.2									59 ²	7,228.6
"	Carlisle - 1913	57.6									57 ⁶	7,286.2
"	Earl Dalton - 1913	10.2									10 ²	7,296.4
"	Wood - 1913	For ditches, see Priority - 10 - Wood Rt.									40	7,336.4
	(L. H. Redd)	*										
5	Appl. No. 5473	1,440									1,440	8,776.4
	(F. P. Jones)		*									
6	" " 5789		400								400	9,176.4
	(Geo. A. Cole et. al.)											
7	" " 5979	2,240			(Reservoir Project)						2,240	11,416.4
	(J. W. Palmer)											
8	" " 6263								320*		320	11,736.4
	(Mrs. Maude A. Palmer)											
9	" " 6348								200*		200	11,936.4
0	Rose Right									49.3 0.5	49 ⁰	11,986.2
		b	b, c	c	c				b			
Total Acreage under Ditch		8,816 ²	1,100 ⁰	85.7	295.6	648.1	80	440	520	49.3 0.5		11,986.2

= Provisional rights based upon filings in the Office of the State Engineer.
= After this priority (7) the total progressive area is uncertain because of provisional rights.
= Ditch total includes provisional rights.
= Subtract 49.3 acres from Pri. 10-Wood Rt. for included acres irrigated by Priority 4.
= The grand total does not include "c" nor 62.8 acres of Seepage Rights.
= Supplementary to Blue Mtn. Right (Priority -1-).

(S) Horace W. Sheley, Referee, June 1916.



GUIDE MAP
 Monticello Water Users Ass'n.
 Showing Location of
 Detail Sheets

Horace W. Shelley, Cons. Engr. Print made Sep (corner torn off)

SOUTH FORK RIGHTS

Table of Contents and Summary of Acreage

	Page	Acres
Priority 1. Blue Mtn. Irr. Co. (1887-1907)	200-201	648.1
Priority 2. John Bailey	202	6.5
Priority 3. Application No. 984 (Pioneer D.)	203-205	365.2
Priority 4. Pioneer 1908 (Pioneer Ditch)	206-207	107.6
Priority 5. Application No. 4294 C. R. Christensen & Geo. A. Adams, Jr.	208-209	880.
Priority 6. Application No. 4312 A. B. Barton	210	?
Priority 7. Pioneer 1912 (Pioneer Ditch)	210-212	208.1
Priority 8. Application No. 5790 (F.P.Jones)	212-213	<u>160.</u>
	Total	2,376.9

H.W.S.